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RE: Implementation of TSCA to Reduce PCB Inputs to our Nation's Waters

Dear Mr. Jones and Ms. Giles:

The Spokane River Regional Toxics Task Force (SRRTTF) requests a meeting, within the next 2 months, with your agency to discuss current Toxic Substances Control Act (TSCA) allowances for polychlorinated biphenyls (PCBs) and the revised Water Quality Standards for Washington that were published by the EPA on November 28th of this year.

The Task Force has worked diligently since 2012 to identify and reduce sources of PCBs from entering the Spokane River. When we last wrote to you in 2013 (see attached letters) we requested that the EPA assist us in this effort. Specifically, we requested the EPA to consider reducing the nominal 50 parts per million (ppm) use allowance authorized under TSCA regulations. Our studies show that allowable concentrations of PCBs in consumer products represent an ongoing source of PCB loading to the Spokane River that, through normal use, contributes to exceedances of the applicable water quality standards.^{1, 2} We also requested that the EPA provide enforcement on the use and importation of products containing PCBs in concentrations exceeding the 50 ppm levels. Studies have shown levels of “inadvertently generated PCBs” in pigments, printed materials and other products that exceed the TSCA standard.^{3, 4}

On November 28, 2016, the EPA published revised Water Quality Standards for Washington State.⁵ The EPA rule lowered the PCB criterion applicable in Washington State from 170 parts per quadrillion (ppq) to 7 ppq. With this new rule, potentially every water body in the State of Washington will fail to meet water quality standards for PCBs. This situation is not unique to Washington.

The Spokane River is included in the more than 81,000 miles of rivers and streams nationwide that are listed for PCBs⁶. Of the limited number of PCB clean-up plans, also known as Total Maximum Daily Loads (TMDLs),

¹ <http://srtrtf.org/wp-content/uploads/2015/03/Revised-Product-Testing-Report-7-21-15.pdf>

² Jia Guo in <http://www.p2.org/wp-content/uploads/june-27-pcb-webinar.pdf>

³ <https://fortress.wa.gov/ecy/publications/SummaryPages/1604014.html>

⁴ Christie in <http://www.p2.org/wp-content/uploads/june-27-pcb-webinar.pdf>

⁵ <https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-28424.pdf>

⁶ https://ofmpub.epa.gov/tmdl/attains_index.home



prepared to date, not one water body in the country has successfully met applicable water quality standards for PCBs through the TMDL process.

TSCA allows continued use of PCBs at levels that are billions of times higher than the PCB water quality standard. Municipal ratepayers and businesses, already burdened with removing PCBs that are not created by them, will now be held to even stricter standards that are neither measurable nor attainable with approved test methods and current treatment technologies. Our only opportunity for success in achieving these stringent water quality standards and providing economic fairness to all communities is to eliminate PCBs at the point of generation.

Since its inception, the Task Force has used an inclusive approach to engage diverse interests to solve difficult problems. We would like to meet with key members of EPA's TSCA and Water Quality programs within the next two months to discuss our thoughts on how to engage regulators, businesses, and environmental groups in a way that achieves mutually acceptable solutions. Please respond to Chris Page, with the Ruckelshaus Center, our third-party facilitator regarding your availability for this meeting. We will contact you in the next two weeks to set up a time to meet.

Sincerely,
Spokane River Regional Toxics Task Force
c/o Chris Page
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CC

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